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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 DAVON CAREY GRIFFITH,
11 Petitioner,
12 v.
13 SANDRA ALFARO, Warden,
14 Respondent.
15

Case No. CV 14-03251-JVS (KES)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the other
17 records on file herein, and the Final Report and Recommendation of the United
18 States Magistrate Judge. Further, the Court has engaged in a de novo review of
19 those portions of the Report and Recommendation to which objections have been
20 made. The Court accepts the findings and recommendations of the Magistrate
21 Judge with one addition.
22

23 Petitioner contends that the time for modifying his sentence on his drug
24 conviction under California Penal Code Section 170(d) had lapsed, and that there
25 was a jurisdiction defect in the modified sentence. (Objection to Magistrate's
26 Report and Recommendation, p. 4.) Assuming habeas relief is available for pure
27 errors of state law, the error was harmless since the resentencing resulted in a
28 reduced sentence. See Brecht v. Abrahamson, 507 U.S. 619, 637-38 (1993).

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2 IT IS THEREFORE ORDERED that Judgment be entered dismissing the
3 Petition with prejudice.

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5 DATED: January 23, 2017

A handwritten signature in purple ink, reading "James V. Selna". The signature is fluid and cursive, with a long horizontal stroke at the end.

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7 JAMES V. SELNA
8 UNITED STATES DISTRICT JUDGE
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